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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/496,061	02/01/2000	Masaru Sudo	00048/LH	5663

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FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
767 THIRD AVENUE
25TH FLOOR
NEW YORK, NY 10017-2023

EXAMINER

AN, SHAWN S

ART UNIT PAPER NUMBER

2613

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/496,061

Applicant(s)

SUDO ET AL.

Examiner

Shawn S An

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Request for Continued Examination

1. The request filed on 11/9/04 for a Request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/496,061 is acceptable and a RCE has been established. An action on the RCE follows.

Response to Amendment

2. As per Applicant's instructions as filed on 11/9/04, claims 1-45 have been canceled and claims 46-51 have been newly added.

Furthermore, Applicant's arguments with respect to newly added claims as above have been carefully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 46-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al (4,875,091) in view of Noguchi (4,924,856).

Regarding claims 46 and 50-51, Yamada et al discloses an endoscope image sensing apparatus/method, comprising:

an image sensing device (Fig. 1, 8) for imaging an object to obtain an image signal, and outputting the image signal;

a signal processing device (16) for processing the image signal, comprising:

a storage section (9) for storing/accessing a plurality of color matrices each corresponding to a plurality of color tones (Fig. 3a) for displaying an observation image of the object on a display section (12);

a selection circuit (13; controlling circuit) for selecting a color matrix (coefficient) from the plurality of color matrices for displaying the observation image (R G B) (col. 7, lines 2-16); and

a computing section (11) for performing computation using the selected color matrix to convert the image signal output from the image sensing device to a color component signal (R G B).

Yamada et al does not specifically disclose selecting a color matrix (coefficient) from the plurality of color matrices for displaying the observation image in a color tone desired by an observer, even though it would have been obvious to set/reset the control circuit with desired inputs as such controller with input settings are known in the conventional art.

Furthermore, Noguchi teaches an endoscope including a field sequential color imaging apparatus comprising:

a signal processing device (Fig. 1, 5) for processing the image signal comprising;

an image sensing device (Fig. 9; 31A) for imaging an object to obtain an image signal, and outputting the image signal; and

storage sections (75; R G B) for storing a plurality of color matrices each corresponding to a plurality of color tones for displaying an observation image of the object on a display section (Fig. 1, 7); and

an operator/observer controlling a panel (Fig. 30, 502) connected to a controlling circuit (505) through a panel controller (503) for making various displays and switch inputs (col. 20, lines 26-33).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing an endoscope image sensing apparatus/method as taught by Yamada et al to incorporate the certain aspect of the teachings as discussed above as taught by Noguchi so that the selection circuit selects the color matrix (coefficient) from the

plurality of color matrices for displaying the observation image in a color tone desired by an observer such as a surgeon for enhancing the display images.

Regarding claim 47, Noguchi teacheses the image sensing device comprising a color CCD (CCD, 31A).

Regarding claims 48-49, Yamada et al discloses a selecting switch (23) provided on a front portion of the signal processing device (9) for processing the image signal.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to **Shawn S An** whose telephone number is 703-305-0099. The Examiner can normally be reached on Flex hours (10).
6. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SSA

Primary Patent Examiner

11/30/04